UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/023,556	02/13/98	KOTOB	M

MM42/1006

ROCKEY MILNAMOW & KATZ
TWO PRUDENTIAL PLAZA
SUITE 4700
180 NORTH STETSON AVENUE
CHICAGO IL 60601

EXAMINER	
FRANKLIN, J	
ART UNIT	**PAPER NUMBER**
2876	2

DATE MAILED: 10/06/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/023,556	Kotob et al
Examiner	**Group Art Unit**
Jamara Franklin	2876

☒ Responsive to communication(s) filed on *Feb 13, 1998*.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-23* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-23* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on *Feb 13, 1998* is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The disclosure is objected to because of the following informalities: Quotation marks are suggested to surround a word or phrase which is given as a selection or instruction on the screen of the vote entry station, for example (page 7, line 8) "press here".

Claim 6 lacks a proper antecedent for "the touch screen". The prior antecedent was to a "graphical user interface".

Claim 20, which purports to be a method claim, depends from an apparatus claim. For examining purposes, it is assumed to depend from claim 14.

Appropriate correction is required.

3. The abstract of the disclosure is objected to because it has not been limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. in view of Webb and in further view of Davis, III et al.

Wise et al. (U.S. 5,218,528) discloses an automated voting device consisting of a monitor for displaying ballots and election information (fig. 4), a means for counting votes (col. 6, lines 32-33), a means of allowing a voter to write in a vote and then recording write in votes (col. 8, lines 26-32 and col. 11, lines 44-56), multiple locals for storing counted votes (mass storage device 43 and vote collection database 14), and a means of letting a voter void his/her ballot before casting the vote (col. 9, lines 8-13). Wise fails to show one voting station to control the remaining stations. Rather, there's shown a separate controller 11. It would have been obvious to allow vote entry controller 11 to function as a vote entry station 12 since the two booths are comprised of the same electronic elements (i.e. printer, keyboard, computer, mass data storage device, and display) and are already interconnected (fig. 1). Manufacturing the vote entry controller 11 as a vote entry station 12 will make it easier to assemble the voting system when the time arrives to do so. The controlling voting station transmits a code to all other voting stations 12, allowing them to then be operable (col. 6, lines 40-43). After the voting process, the code is

then abandoned and the voting station 12 is inactivated until a new activation code is received (col. 8, lines 27-32). The vote entry controller 11 includes a mass storage device 43 where it tallies and records the number of votes collected at each vote entry station. It is also in data communication 36 with vote collection database 14 where a total vote count is stored (col. 6, lines 29-33 and col. 4, lines 6-8). Regarding claim 10, as broadly set forth in this claim, the act of a voter placing his/her vote serves as a confirmation that the selection of ballot made by the poll watchers is correct. A process is also disclosed where a voter may choose the language in which the ballot is received and instructions are given (fig. 5A and fig. 5B). While only two languages are illustrated, obviously, the selection may consist of more than two languages to accommodate people of various cultural backgrounds. The modification would have represented an obvious design expedient. Wise et al. does not show an automated voting device utilizing either a touch screen (a graphical user interface) for displaying or a printer for printing counted votes. Regarding security aspects, not disclosed is an internal password (provided by the election authority) or external security check operation, an identifying label or tag affixed to the voting device, or a way to test the accuracy of the voting station prior to or after the election.

Webb (U.S. 4,774,665) teaches an electronic computerized voting apparatus that permits testing of the computerized operations before and after the election has taken place (col. 4, lines 55-63), and displays information concerning the election (which may include counted votes) on the display screen 48 (col. 5, lines 17-19) and on printout paper from the line printer 50 (col. 5, lines 22-30) . Concerning security checks, there is described the practice of inserting an external

device into the voting device to activate the system (col. 4, line 66- col. 5, line 17) and the practice of applying an identifying label onto the actual voting device (col. 4, line 68- col. 5, line 2). Webb lacks the discussion of a touch screen triggered by the act of pointing to and touching the screen.

Davis, III et al. (U.S. 5,583,329) describes a computerized electronic voting system which includes a voting terminal consisting of a touch screen display (the only interface between the voter and the voting terminal) which displays election information (col. 4, lines 30-31 and fig 2).

An automated, computerized voting device featuring ample storage space and display options for counted votes, various security checks, and several voter preferences (including language and ballot style) is beneficial whereas a voter may conveniently and safely cast a vote that will be well guarded and prospectively free of tampering from any outside force. Employing a touch screen display is an obvious alternative to a regular monitor and keyboard because it is a more modern of techniques in which to input data securely into a voting terminal. For these reasons set forth, it would have been obvious to someone of ordinary skill in the art to combine the teachings of the preceding inventors.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al., as modified by Webb and Davis, III et al. as applied to claim 2 above, and further in view of Lohry et al.

Wise et al. as modified by Webb and Davis, have been discussed above. There is no teaching of a security operation involving entry of a password.

SF.

Lohry et al. (U.S. 5,758,325) teaches such a password entry in an electronic voting system (col. 2, lines 43-48 and col.4, lines 8-12).

Since one of ordinary skill would have recognized the benefits of password protection to ensure the integrity of the voting system, it would have been obvious to provide Wise et al. with the password security as taught by Lohry et al.

7. Claims 14-17, 19, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. in view of Webb.

Wise et al. discloses a voting system which performs the tasks of registering and certifying voters and collecting their votes. Here, Wise et al. teaches steps including the activation of the individual vote entry station 12 upon receiving an activation code (col. 8, lines 27-29), the authorization by code for voter activation of a ballot (col.3, lines 41-44 and col. 6, lines 40-43), the displaying of ballot information on display screens 62 located within individual vote entry stations and permitting a voter to enter votes at one of the individual stations (col. 8, lines 60-62), the inactivation of the individual vote entry station 12 to prohibit further voting (col. 8, lines 29-32), and the interconnection of a plurality of vote entry stations 12 via communication links 15 (fig 1). Regarding claims 22 and 23, it would have been obvious to make vote entry controller 11 to function as vote entry station 12 for reasons cited previously in paragraph 5 above, however, still operating as the controlling station authorizing the code for each voter activation of the ballot (col. 8, lines 26-32). However, Wise et al. fails to teach the steps of testing for pre-election and post-election program accuracy, recording and tabulating votes within the vote entry station 12,

JF.

and printing recorded election information on a related printer within the vote entry station 12.

Webb (U.S. 4,774,665) discloses a computerized vote-counting apparatus to be used at a precinct workstation 10 (fig. 1) that electronically records, counts, and stores votes cast by voters within that workstation 10 during an election. Webb teaches the steps of conducting an audit of the election at the start and end of the election, if required (col. 4, lines 55-63), and transferring election related information to a printer and printing out that information (col. 5, lines 22-30).

One of ordinary skill in the art would have seen that combining the steps noted in Wise et al.'s invention with the security and information recording techniques noted in Webb's disclosure would provide for a method of using an automated voting device that is a modern alternative to casting ballots at an election while supplying added and needed security measures (including pre- and post- election tests) and information recording measures (including recording votes in the voting station and printing out that information from a printer) to prevent possibly election tampering, therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Webb and Davis into the voting system of Wise et al..

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. in view of Webb as applied to claim 14 above, and further in view of Graft, III.

The teachings of Wise et al. and Webb are disclosed above. Neither of the two show a method of inactivating the voting station.

Graft, III (U.S. 5,278,753) teaches a lock 32 to be fastened using a key which is only available by precinct officials (col. 6, lines 24-28).

One of ordinary skill in the art can recognize that by merging the lock 32 taught by Graft, III and the teachings of Wise et al. and Webb regarding claim 14, a voting station may be further protected against unauthorized access, therefore it would have been obvious to combine the teachings.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cason, Sr. et al. (U.S. 4,066,871) discloses a voting system where votes are tabulated and may be displayed on a screen. There is also a means of testing the system before and after the election process. Amno et al. (U.S. 5,189,288) discloses a method and system for automated voting that counts and records votes.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara Franklin whose telephone number is (703) 305-0128 and email address is jamara.franklin@uspto.gov. The examiner can normally be reached on Monday to Friday from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Hajec, can be reached on (703) 305-4075. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Donald Hajec
Supervisory Patent Examiner
Technology Center 2800